

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Wilhelmina Cromwell Hamilton,

Plaintiff,

v.

Nancy A. Berryhill,¹ Acting Commissioner
of Social Security,

Respondent.

C/A No. 5:16-03471-RBH-KDW

ORDER

Plaintiff appeals the denial of social security benefits in this action. In the serve order, *see* ECF No. 21 at 2, the following was explained to Plaintiff:

Under Local Civil Rule 83.VII.04 (D.S.C.), Plaintiff shall file a written brief setting out her arguments in support of her claim that Social Security benefits were improperly denied to her in the Clerk of Court's Office within thirty (30) days after Defendant files an answer to the Complaint. Defendant has forty (40) days to file a responsive brief after service of Plaintiff's brief. *See* Local Civil Rule 83.VII.05 (D.S.C.). Plaintiff may file a reply brief within fourteen (14) days of being served with Defendant's responsive brief.

After service, on June 1, 2017, the Commissioner appeared, filing an answer, ECF No. 28, and the Social Security Administrative Record ("the Record"), ECF No. 29. The Commissioner served the answer and Record on Plaintiff along with Notice of Electronic Filing ("NEF") on June 1, 2017. *See* ECF No. 28 at 3. The NEF indicated: "Plaintiffs Brief due by 7/3/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6." Notwithstanding the serve order instructions and the filing deadline in the NEF, Plaintiff has failed to file her Brief with the court. As such, it appears to the court that

¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the court substitutes Nancy A. Berryhill for Carolyn W. Colvin as Defendant in this action.

she wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether she wishes to continue with this case and to file a Plaintiff's Brief by **July 26, 2017**. Plaintiff is further advised that if she fails to file her Brief, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

July 12, 2017
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West
United States Magistrate Judge